

Todd L. Bice, Esq., Bar No. 4534
Pisanelli Bice PLLC
 400 South 7th Street, Suite 300
 Las Vegas, Nevada 89101
 Telephone: (702) 214-2100
 Facsimile: (702) 214-2101
 tlb@pisanellibice.com

Tina B. Solis
 Seth A. Horvath
Nixon Peabody LLP
 70 W. Madison Street, Suite 5200
 Chicago, Illinois 60602
 Telephone: (312) 977-4400
 Facsimile: (844) 560-8137
 tbsolis@nixonpeabody.com
 sahorvath@nixonpeabody.com
 (admitted pro hac vice)

*Attorneys for Plaintiffs Newmark Group Inc.,
 G&E Acquisition Company LLC, and BGC
 RealEstate of Nevada LLC*

Robert S. Larsen
 Wing Y. Wong
Gordon & Rees Scully Mansukhani LLP
 300 S. 4th St., Suite 1550
 Las Vegas, Nevada 89101
 Tel. (702) 577-9301
 Fax. (702) 255-2858
 rlarsen@grsm.com
 wwong@grsm.com

Nathaniel Kritzer
Steptoe & Johnson LLP
 1114 Avenue of the Americas
 New York, NY 10036
 Tel. (212) 378-7535
 Fax (212) 506-3950
 nkritzer@steptoe.com
 (admitted pro hac vice)

*Attorneys for Defendants Avison Young
 (Canada) Inc., Avison Young (USA) Inc.,
 Avison Young–Nevada LLC, Mark Rose,
 Joseph Kupiec, The Nevada Commercial
 Group LLC, and John Pinjuv*

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA**

NEWMARK GROUP INC., G&E
 ACQUISITION COMPANY LLC, and
 BGC REAL ESTATE OF NEVADA LLC,

Plaintiffs,

vs.

AVISON YOUNG (CANADA) INC.,
 AVISON YOUNG (USA) INC., AVISON
 YOUNG–NEVADA LLC, MARK ROSE,
 THE NEVADA COMMERCIAL GROUP,
 JOHN PINJUV, and JOSEPH KUPIEC; DOES
 1 through 5; and ROE BUSINESS ENTITIES
 6 through 10,

Defendants.

Case No. 2:15–cv–00531–RFB–EJY

**STIPULATION TO EXTEND
 DEADLINES IN JULY 12, 2022,
 REVISED DISCOVERY PLAN AND
 SCHEDULING ORDER (ECF NO. 593)**

1 Plaintiffs Newmark Group Inc., G&E Acquisition Company LLC, and BGC Real Estate
2 of Nevada (“Plaintiffs”), through their counsel, and Defendants Avison Young (Canada) Inc.,
3 Avison Young (USA) Inc., Avison Young–Nevada LLC, Mark Rose, Joseph Kupiec, John
4 Pinjuv, and The Nevada Commercial Group (“Defendants”), through their counsel (together, the
5 “Parties”), jointly submit the following stipulation to extend the deadlines in the revised
6 discovery plan and scheduling order of July 12, 2022 (“Scheduling Order”) (ECF No. 593):

7 **STIPULATION**

8 1. On July 12, 2022, the Court entered a Scheduling Order stating that “[t]he joint
9 pretrial report shall be filed within 60 days after the Court’s decision on dispositive motions.”
10 (ECF No. 593.)

11 2. As of the date of this stipulation, the Scheduling Order remains the operative order
12 for purposes of calculating the deadline for filing the joint pretrial order.

13 3. On February 15, 2024, the Court conducted a hearing on the parties’ cross-motions
14 for summary judgment. (ECF No. 720.)

15 4. At hearing, the Court contemplated setting the case for trial in December 2024.

16 5. On March 31, 2024, the Court entered an order granting in part and denying in part
17 the parties’ cross-motions for summary judgment. (ECF No. 723.)

18 6. Under the Scheduling Order, the parties’ joint pretrial order currently is due on
19 May 30, 2024.

20 7. Having reviewed the Court’s Chambers Practices and Order Regarding Trial, the
21 Parties agree that, to promote efficient trial preparation, the following pretrial deadlines should be
22 entered.

23 8. On July 1, 2024, the parties shall exchange the following materials:

- 24 a. Exhibit lists and proposed exhibits.
- 25 b. Deposition designations.
- 26 c. Lists of trial witnesses indicating whether the witnesses will testify live or
27 by deposition designation, as well as briefly summarizing each witness’s
28 testimony.

- 1 d. A brief statement by Plaintiffs as to the basis for subject-matter jurisdiction.
- 2 e. A brief summary of the claims and defenses that each party asserts remain
- 3 to be tried, including citations to any statutes on which the party relies. The
- 4 summaries shall also identify all claims and defenses previously asserted
- 5 that are not to be tried.
- 6 f. Proposed stipulations or agreed statements of fact or law to which all
- 7 Parties consent.
- 8 g. Plaintiffs' proposed statement regarding the number of trial days needed
- 9 and whether the case will be tried to a jury.
- 10 h. Plaintiffs' proposed statement regarding whether the parties have
- 11 consented to trial by a magistrate judge.
- 12 9. On August 2, 2024, the parties shall exchange the following materials:
- 13 a. Objections to exhibit lists and proposed exhibits.
- 14 b. Objections to deposition designations and counter-designations.
- 15 c. A brief statement by each Defendant as to the presence or absence of
- 16 subject-matter jurisdiction.
- 17 d. Responses to proposed stipulations or agreed statements of fact or law to
- 18 which all parties consent.
- 19 e. Defendants' response to proposed statement regarding the number of trial
- 20 days needed and whether the case will be tried to a jury.
- 21 f. Defendants' response to proposed statement regarding whether the parties
- 22 have consented to trial by a magistrate judge.
- 23 10. Between August 3, 2024, and August 12, 2024, the parties shall meet and confer
- 24 regarding proposed stipulations or agreed statements of fact or law to which all parties consent.
- 25 11. On August 16, 2024, the parties shall exchange:
- 26 a. Counter-counter-designations and objections to deposition counter-
- 27 designations.
- 28

b. Lists of exhibits to be offered in case in chief (with one star indicating exhibits to which no party objects on grounds of authenticity and two stars indicating exhibits to which no party objects on any grounds).

12. By August 27, 2024, the parties shall finalize the stipulations or agreed statements of fact or law discussed between August 3, 2024, and August 12, 2024.

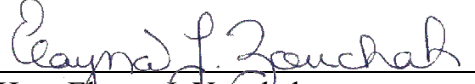
13. On August 29, 2024, the parties shall file their joint pretrial order.

14. Following the submission of this stipulation, the Court shall set a trial date.

15. In accordance with the trial date, the Court shall schedule deadlines for the parties to file motions in limine, jury instructions, voir dire questions, and, if the Court deems it necessary, pretrial memoranda of law.

16. The proposed scheduling modifications described above are requested in good faith and made with good cause. They are not intended to delay or inconvenience the Court, but rather to promote judicial economy and minimize the need for unnecessary court intervention.

IT IS SO ORDERED:


Hon. Elayna J. Youchah
United States Magistrate Judge

DATED: May 7, 2024

1 Dated: May 7, 2024

2 **Respectfully submitted by:**

3 NIXON PEABODY LLP

STEPTOE & JOHNSON LLP

4 By: /s/ Tina B. Solis

By: /s/ Nathaniel J. Kritzer

5 Todd L. Bice, Esq., Bar No. 4534

Robert S. Larsen

6 **Pisanelli Bice PLLC**

Wing Y. Wong

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rlarsen@grsm.com

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wwong@grsm.com

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Nathaniel J. Kritzer

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Chicago, Illinois 60602

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Facsimile: (844) 560-8137

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sahorvath@nixonpeabody.com

nkritzer@steptoe.com

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